

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 713-1198PCT	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/IB2005/000811	International filing date ( <i>day/month/year</i> ) 30 March 2005 (30.03.2005)	Priority date ( <i>day/month/year</i> ) 31 March 2004 (31.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant JPF WORKS CO., LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 04 October 2006 (04.10.2006)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: right; font-weight: bold;">Cecile Chatel</div> e-mail: pt13@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 14 SEP 2005

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**PCT**

PCT

To:

see form PCT/ISA/220

13/10

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2005/000811

International filing date (day/month/year)  
30.03.2005

Priority date (day/month/year)  
31.03.2004

International Patent Classification (IPC) or both national classification and IPC  
B25C1/08, B25C1/00

Applicant  
JPF WORKS CO., LTD.

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Popma, R

Telephone No. +31 70 340-4739



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/B2005/000811

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/000811

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-4
	No: Claims	
Inventive step (IS)	Yes: Claims	4
	No: Claims	1,2,3
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

Re Item V.

1 Reference is made to the following documents:

- D1 : EP 0 726 122 A (ILLINOIS TOOL WORKS INC) 14 August 1996 (1996-08-14)  
D2 : PATENT ABSTRACTS OF JAPAN vol. 003, no. 158 (M-086), 25  
December 1979 (1979-12-25) & JP 54 136478 A (HITACHI KOKI CO LTD), 23  
October 1979 (1979-10-23)  
D3: US-A-5 794 831 (VELAN ET AL) 18 August 1998 (1998-08-18)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parentheses applying to this document):  
**A portable type fastener driving tool which is provided with a main body which houses a rod which drives in the fasteners; a rod driving out means which pushes the rod forward in the axial direction; a head part which is disposed on the front end of the main body and which is provided with a fastener guiding part; a fastener retaining means which loads a fastener connecting body which is made by connecting multiple fasteners using a connecting material so that they are arranged parallel to one another; and a power operated fastener feed means which feeds the fastener connecting bodies which is loaded on the aforementioned fastener retaining means in the direction in which the fasteners are arranged and which feeds the fasteners one by one in front of the rod.**

2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that :

**The drive source of the aforementioned fastener feed means is different from the drive source of the rod driving out means.**

- 2.1.3 The problem to be solved by the present invention may therefore be regarded as the use of the same drive source for the rod driving out source and the fastener feed means generates an unstable tool that often causes the fasteners to jam.
- 2.1.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:  
Decoupling the driving out mechanism from the nail feeding mechanism by using different driving sources can be done by replacing the pneumatic piston (220) of D1 with the electromagnetic piston (12,13,14) of D2.  
D1 has already a battery and electric wiring for the fan in the combustion chamber, which can also be used to control the solenoid of this electromagnetic piston, which carries out the same function in D2: feeding the nails in front of the driving out rod.
- 2.1.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

**3 DEPENDENT CLAIMS 2, 3**

Dependent claims 2, 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

**4 DEPENDENT CLAIM 4**

The combination of the features of dependent claim 4 is neither known from, nor

rendered obvious by, the available prior art. The reasons are as follows:

- 4.1 The subject-matter of dependent claim 4 differs from the portable fastener of D3, which has one sensor that detects the feeding position of the fastener, in that it has a second sensor to detect movement of the rod and a braking means to stop the motor of the feeding mechanism.
- 4.2 The subject matter of claim 4 is therefore novel (Article 33(2) PCT).
- 4.3 The problem to be solved by the present invention may therefore be regarded as as one of improving the stability of the nail feeding mechanism.
- 4.4 The solution to this problem proposed in claim 4 of the present application is considered as involving an inventive step (Article 33(3) PCT) because these features are neither disclosed in, nor suggested by the prior art, nor would their inclusion be obvious to the skilled man in order to solve the above problem.